

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Joseph G. DuMouchelle and Melinda J.
Adducci

Debtor(s), _____ /

Case No. 19-54531

Chapter 7

Hon. Lisa S. Gretchko

Teodor Gelov

Plaintiff(s),

v.

Joseph G. DuMouchelle and Melinda J.
Adducci

Defendant(s), _____ /

Adv. Proc. No. 20-04172

ADVERSARY PROCEEDING SCHEDULING ORDER

After consultation with the parties, pursuant to Fed. R. Bankr. P. 7016 and 7026, and the parties having conducted a conference and submitted a written report thereof ("26(f) Report") under Fed. R. Civ. P. 26(f), **IT IS HEREBY ORDERED** that further proceedings in this case shall be governed by the following:

I.

Discovery Plan and Other Provisions of Rule 26(f) Report

The Rule 26(f) Report is adopted as an order of this Court and incorporated herein with the following exceptions: (1) paragraph 2(c) is modified to permit 35 interrogatories by Plaintiff including all discrete subparts, as the phrase "all discrete subparts" is explained in *Harhara v. Norville*, 2007 WL 2897845 (E.D. Mich. September 25, 2007); (2) paragraph 2(d) is modified to permit a maximum of 7 depositions by Plaintiff, and (3) paragraph 2(h) is deleted and shall not apply.

II.

Filing of Joint Final Pretrial Order

A joint final pretrial order prepared in accordance with E.D.Mich.LBR 7016-1 shall be submitted for entry at least seven (7) days before the final pretrial conference. In the portion of the

joint final pretrial order designated “Issues of Law to be Litigated”, each party shall provide after each listed issue, that party’s three strongest reported cases in support of its view of the law.

III. Mediation

The Court encourages the parties to consider mediation of this adversary proceeding pursuant to E.D.Mich.LBR 7016-2. If all parties agree to mediation, the parties should file a stipulation and submit to the Court a proposed order appointing the mediator. If the parties have agreed to select a mediator from the list of approved mediators on the Court's website, the proposed order should contain the name of the mediator when it is submitted to the Court for entry. If the parties have not agreed on the name of the mediator, the proposed order appointing the mediator should be submitted without a mediator's name and the Court will then select a mediator from the approved list and indicate such person's name in the order that is entered. All mediation must be concluded no later than five days before the final pretrial conference scheduled by this order. The Court will not adjourn the final pretrial conference or the trial to permit mediation to continue past the deadline set by this order. If the parties desire to further discuss mediation with the Court, the parties shall jointly contact Judge Gretchko's Courtroom Deputy, Chery London, to arrange a time for a conference call or a conference in chambers with the Court.

IV. Final Pretrial Conference

A final pretrial conference will be held on **September 18, 2023, at 10:00 a.m.** before the **Honorable Lisa S. Gretchko, at 211 W. Fort Street, 19th Floor, Courtroom 1975, Detroit, Michigan.**

V. Trial Date(s) in Bankruptcy Court

THE TRIAL OF THIS MATTER SHALL COMMENCE ON **October 4, 2023, and October 5, 2023, at 9:00 a.m.** before the **Honorable Lisa S. Gretchko, at 211 W. Fort Street, 19th Floor, Courtroom 1975, Detroit, Michigan.**

VI.
Miscellaneous Matters

(a) Adjournment(s) or Changes in this Order

Requests for adjournment of the final pre-trial conference or the trial are governed by E.D.Mich.LBR 5071-1. Any changes in any other dates or provisions of this order are to be sought in accordance with E.D.Mich.LBR 9014-1, or by written stipulation provided that in any case good cause shall be shown, and approval of the Court is required.

(b) Exhibits and Discovery Disputes

The parties shall bring all proposed exhibits to the final pre-trial conference for marking, and, if possible, admission into evidence by stipulation. Parties are encouraged to resolve disputes before a motion regarding discovery is filed, and are directed to strictly comply with E.D.Mich.LBR 9014-1(g) and (h) if a motion is ultimately required.

(c) Settlement

Note should be taken of E.D.Mich.LBR 9019-1 relative to settlements.

(d) Status or Pretrial Conference Request

Any party may request a status conference (or a conference to discuss or further consult in reference to this order) by a communication, in writing, addressed to the Court with copies to opposing or other counsel and/or any pro se parties. Upon receipt of such a request (or sua sponte) the Court will schedule such a conference (in person or by phone) if the Court believes it will advance or be helpful in the disposition of this proceeding.

(e) Filing of Discovery Materials

See E.D.Mich.LBR 7026-1 regarding the filing of discovery materials.

Signed on September 16, 2022



/s/ Lisa S. Gretchko

Lisa S. Gretchko
United States Bankruptcy Judge